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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

CLINTON ROGERS

Plaintiff,

v.

RELIANT CAPITAL SOLUTIONS,
LLC

Defendants.

Case No.: CV-11-162-LRS

COMPLAINT

[FDCPA]

I. JURISDICTION

1.1 Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15
U.S.C. § 1692k(d).

1.2 This action arises out of Defendants' violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA") and their agents in their illegal efforts to collect a consumer debt from Plaintiff.

1.3 Venue is proper in this District because the acts and transactions occurred here, Plaintiffs reside here, and Defendants transact business here.

II. PARTIES

2.1 Plaintiff Clinton Rogers is a natural person who resides in the County of Spokane, State of Washington, and is a "consumer" as that term is defined by 15 U.S.C. § 1692a(3).

2.2 Defendant Reliant Capital Solutions, LLC (hereinafter "Reliant") is a foreign corporation engaged in the business of collecting debt, with its principal place of business located Columbus, Ohio. Reliant regularly conducts business in the State of Washington.

III. FACTUAL ALLEGATIONS

3.1 On or around 2010, Plaintiff allegedly incurred a financial obligation that was primarily for personal, family or household purposes and is therefore a "debt" as that term is defined by 15 U.S.C. § 1692a(5).

1 3.2 The debt that Defendant Reliant claims the plaintiff owes is an alleged
2 obligation to pay money arising out of a transaction for student loan funding.

3
4 3.3 Plaintiff disputes owing any money to Defendant.

5 3.4 In late 2010 or early 2011, the debt was consigned, placed, or otherwise
6 transferred from the creditor to Defendant for collection from this Plaintiff.

7
8 3.5 On April 5, 2011, Defendant left an automated voice message for the
9 Plaintiff on the Plaintiff's voicemail.

10 3.6 The April 5, 2011 automated voice message was a "communication" as the
11 term is defined in 15 USC §1692a(2).

12
13 3.7 The April 5, 2011 automated voice message stated that it was from
14 Defendant Reliant and that it was an attempt to collect a debt.

15 3.8 On April 5, 2011, the Plaintiff, as is his usual practice, listened to his
16 voicemails on speaker phone.

17
18 3.9 Plaintiff's roommate, without Plaintiff's knowledge or consent, overheard
19 the message left by Defendant for the Plaintiff.

20 3.10 Plaintiff was embarrassed that his roommate had overheard the message left
21 by the Defendant.

22
23 3.11 The above-described communication was not an attempt to acquire "location
24 information" as that term is defined by 15 USC § 1692a(7).
25

1 3.12 Defendant left several additional voicemails for the Plaintiff in April 2011,
2 some of which were inadvertently overheard by the Plaintiff's roommate.

3 3.13 Defendants knew or should have known that people other than the Plaintiff
4 were likely to listen to voice messages left on the Plaintiff's voicemail.
5

6 3.14 On April 19, 2011, a representative o the Defendant called Plaintiff's
7 employer, disclosed the Defendant's identity to the person who answered the
8 phone, and requested that the Plaintiff be asked to return the Defendant's
9 phone call.
10

11 3.15 As a direct result of the Defendant's communications to the Plaintiff's
12 roommate and employer, Plaintiff has suffered actual damages as a result of
13 these illegal collection communications by these Defendants in the form of
14 anger, anxiety, emotional distress, frustration, upset, humiliation,
15 embarrassment, amongst other negative emotions.
16
17

18 3.16 The above-described collection communications made to Plaintiff by
19 Defendant were made in violation multiple provisions of the FDCPA,
20 including but not limited to 15 U.S.C. § 1692c(b), 15 U.S.C. § 1692d, and 15
21 U.S.C. § 1692f.
22

23 3.17 Defendant's illegal abusive collection communication as more fully described
24 above were the direct and proximate cause of emotional distress on the part of
25 Plaintiff.

1
2
3 **IV. TRIAL BY JURY**

4 4.1 Plaintiffs are entitled to and hereby respectfully demand a trial by jury on
5 all issues so triable. US Const. amend. 7. Fed.R.Civ.P. 38.
6

7
8 **V. CAUSE OF ACTION**

9 **VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**

10 **15 U.S.C. § 1692 et seq.**

11 5.1 Plaintiffs incorporate by reference all of the above paragraphs of this
12 Complaint as though fully stated herein.
13

14 5.2 The foregoing acts and omissions of each and every Defendant and their
15 agents constitute numerous and multiple violations of the FDCPA
16 including, but not limited to, each and every one of the above-cited
17 provisions of the FDCPA, 15 U.S.C. § 1692 et seq., with respect to each
18 of these Plaintiffs.
19

20 5.3 As a result of each and every Defendant's violations of the FDCPA,
21 Plaintiffs are entitled to actual damages pursuant to 15 U.S.C. §
22 1692k(a)(1); statutory damages in an amount up to \$1,000.00 pursuant to
23 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs
24
25

1 pursuant to 15 U.S.C. § 1692k(a)(3), from each and every Defendant
2 herein.

3
4 **VI. PRAYER FOR RELIEF**

5 **WHEREFORE**, Plaintiffs pray that judgment be entered against Defendant:

- 6 6.1 For an award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1)
7 against the Defendant and for the Plaintiff;
8
9 6.2 For an award of statutory damages of \$1,000.00 pursuant to 15 U.S.C.
10 §1692k(a)(2)(A) against the Defendant and for the Plaintiff;
11
12 6.3 For an award of costs of litigation and reasonable attorney's fees pursuant
13 to 15 U.S.C. § 1692k(a)(3) against the Defendant and for the Plaintiff; for
14 such other and further relief as may be just and proper.
15

16
17 Respectfully submitted this 25th day of April, 2011
18
19

20 **KIRK D. MILLER, P.S.**

21 /s Kirk Miller

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